

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

John J. Sweeney, Jr.

v.

Case No. 12-cv-276-SM

New Hampshire State Prison, et al.

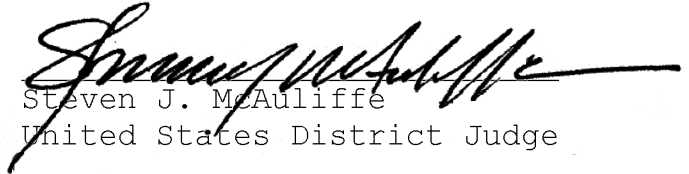
O R D E R

No objection having been filed, I herewith approve the Report and Recommendation (document no. 24) of Magistrate Judge Landya B. McCafferty dated January 25, 2013. Mr. Sweeney's motion seeking clarification and to add a discrimination claim (doc. no. 19) is denied. The request for clarification is moot, as the magistrate judge has provided clarification in the report and recommendation. The motion seeking to add discrimination claims is denied as futile, as the proposed complaint amendment fails to state a claim upon which relief can be granted.

"'[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'" School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice,

failure to file a specific objection to magistrate's report will waive the right to appeal).

SO ORDERED.


Steven J. McAuliffe
United States District Judge

Date: February 21, 2013

cc: John Sweeney, pro se
Nancy Smith, Esq.
Francis C. Fredericks, Esq.